

ROBERT D. LIPSCOMB (S.B. No. 130156)
4725 Placidia Ave.
Toluca Lake, CA 91602
Telephone (818) 399-0120
Facsimile: (866) 399-3245

Attorneys for Defendant, MME LOGIC CORP.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LATANYA WILLIAMS,

Plaintiff,

vs.

MME LOGIC CORP, and DOES 1 to
10, inclusive,

Defendants.

CASE NO. 2:22-CV-07594-DSF-SK

ANSWER TO COMPLAINT

TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:

COMES NOW, Defendant, MME LOGIC CORP. (hereinafter, “defendant”
or “MME”) and for itself alone, for its Answer to the Complaint of Plaintiff Latanya
Williams, to deny, admit and allege as follows:

1 1. Answering paragraph 1 of the Complaint, defendant lacks sufficient
2 information or belief either to admit or to deny the allegations thereof, and on that
3 basis, defendant denies the allegations of said paragraph.
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5 2. Answering paragraph 2 of the Complaint, defendant admits that it is the
6 owner of the real property located at 1964 W. 9th St., Upland, California (the
7 “Subject Property”).
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9 3. Answering paragraph 3 of the Complaint, defendant lacks sufficient
10 information or belief either to admit or to deny the allegations thereof, and on that
11 basis, defendant denies the allegations of said paragraph.
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13 4. Answering paragraph 4 of the Complaint, defendant lacks sufficient
14 information or belief either to admit or to deny the allegations thereof, and on that
15 basis, defendant denies the allegations of said paragraph. Defendant further alleges
16 that it is not the agent of any other person or entity as to any matters relevant herein,
17 and denies any liability for the acts or omissions of any other person or entity.
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20 5. Answering paragraph 5 of the Complaint, defendant lacks sufficient
21 information or belief either to admit or to deny the allegations thereof, and on that
22 basis denies the allegations of said paragraph. Defendant further alleges that it is not
23 the agent of any other person or entity as to any matters relevant herein, and denies
24 any liability for the acts or omissions of any other person or entity.
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1 6. Answering paragraph 6 of the Complaint, defendant admits that the Court
2 has jurisdiction over the Complaint to the extent that it alleges any violation of the
3 Americans With Disabilities Act (“ADA”). Defendant alleges that the Court may,
4 but is not required to, exercise jurisdiction over claims for relief in the Complaint
5 that allege violations of state law.
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8 7. Answering paragraph 7 of the Complaint, defendant alleges that the
9 Complaint speaks for itself.
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11 8. Answering paragraph 8 of the Complaint, defendant denies any legal
12 conclusions stated therein and alleges that the subject statutes speak for themselves.
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14 9. Answering paragraph 9 of the Complaint, defendant admits that venue is
15 proper in this judicial district.
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17 10. Answering paragraph 10 of the Complaint, defendant lacks sufficient
18 information or belief either to admit or to deny the allegations thereof, and on that
19 basis, defendant denies the allegations of said paragraph.
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21 11. Answering paragraph 11 of the Complaint, defendant admits that the
22 business operated at the Subject Property is open to the public during business hours
23 and to that extent is a public accommodation under the ADA.
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25 12. Answering paragraph 12 of the Complaint, defendant lacks sufficient
26 information or belief either to admit or to deny the allegations thereof, and on that
27 basis, defendant denies the allegations of said paragraph.
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2 13. Answering paragraph 13 of the Complaint, defendant denies the
3 allegations of said paragraph.
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5 14. Answering paragraph 14 of the Complaint, defendant denies the
6 allegations of said paragraph.
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8 15. Answering paragraph 15 of the Complaint, defendant denies the
9 allegations of said paragraph.
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11 16. Answering paragraph 16 of the Complaint, defendant denies the
12 allegations of said paragraph.
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14 17. Answering paragraph 17 of the Complaint, defendant admits that it
15 exercises control over the Subject Property. Except as so expressly admitted,
16 defendant denies the allegations of said paragraph.
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18 18. Answering paragraph 18 of the Complaint, defendant incorporates its
19 denials, admissions and allegations of paragraphs 1 through 17, above, as if restated
20 in full.
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22 19. Answering paragraph 19 of the Complaint, defendant denies any legal
23 conclusions stated therein and alleges that the referenced statute speaks for itself.
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25 20. Answering paragraph 20 of the Complaint, defendant denies any legal
26 conclusions stated therein and alleges that the referenced statutes and regulations
27 speak for themselves.
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1 21. Answering paragraph 21 of the Complaint, defendant denies any legal
2 conclusions stated therein and alleges that the referenced statutes and regulations
3 speak for themselves.
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5 22. Answering paragraph 22 of the Complaint, defendant denies any legal
6 conclusions stated therein and alleges that the referenced statutes and regulations
7 speak for themselves.
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9 23. Answering paragraph 23 of the Complaint, defendant lacks sufficient
10 information or belief either to admit or to deny the allegations thereof, and on that
11 basis denies the allegations of said paragraph.
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13 24. Answering paragraph 24 of the Complaint, defendant denies any legal
14 conclusions stated therein and alleges that the referenced statutes and regulations
15 speak for themselves.
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18 25. Answering paragraph 25 of the Complaint, defendant lacks sufficient
19 information or belief either to admit or to deny the allegations thereof, and on that
20 basis denies the allegations of said paragraph. Defendant further denies any legal
21 conclusions stated therein and alleges that the referenced statutes and regulations
22 speak for themselves.
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25 26. Answering paragraph of the Complaint, defendant denies any legal
26 conclusions stated therein and alleges that the referenced statutes and regulations
27 speak for themselves.
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1 27. Answering paragraph 27 of the Complaint, defendant lacks sufficient
2 information or belief either to admit or to deny the allegations thereof, and on that
3 basis denies the allegations of said paragraph.
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5 28. Answering paragraph 28 of the Complaint, defendant denies any legal
6 conclusions stated therein and alleges that the referenced regulation speaks for itself.
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8 29. Answering paragraph 29 of the Complaint, defendant denies the
9 allegations of said paragraph.
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11 30. Answering paragraph 30 of the Complaint, defendant denies the
12 allegations of said paragraph.
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14 31. Answering paragraph 31 of the Complaint, defendant incorporates its
15 denials, admissions and allegations of paragraphs 1 through 30, above, as if restated
16 in full.
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18 32. Answering paragraph 32 of the Complaint, defendant denies any legal
19 conclusions stated therein and alleges that the referenced statute speaks for itself.
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21 33. Answering paragraph 33 of the Complaint, defendant denies any legal
22 conclusions stated therein and alleges that the referenced statute speaks for itself.
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24 34. Answering paragraph 34 of the Complaint, defendant denies any legal
25 conclusions stated therein and alleges that the referenced statute speaks for itself.
26 Defendant denies that it has violated the ADA.
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1 35. Answering paragraph 35 of the Complaint, defendant denies the
2 allegations of said paragraph.

3 36. Answering paragraph 36 of the Complaint, defendant denies the
4 allegations of said paragraph
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6 37. Answering paragraph 37 of the Complaint, defendant incorporates its
7 denials, admissions and allegations of paragraphs 1 through 36, above, as if restated
8 in full.
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10 38. Answering paragraph 38 of the Complaint, defendant denies any legal
11 conclusions stated therein and alleges that the referenced statute speaks for itself.
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13 39. Answering paragraph 39 of the Complaint, defendant denies any legal
14 conclusions stated therein and alleges that the referenced statute speaks for itself.
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16 40. Answering paragraph 40 of the Complaint, defendant denies any legal
17 conclusions stated therein and alleges that the referenced statute speaks for itself.
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19 41. Answering paragraph 41 of the Complaint, defendant denies the
20 allegations of said paragraph.
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22 42. Answering paragraph 42 of the Complaint, defendant denies the
23 allegations of said paragraph.
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25 43. Answering paragraph 43 of the Complaint, defendant incorporates its
26 denials, admissions and allegations of paragraphs 1 through 42, above, as if restated
27 in full.
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1 44. Answering paragraph 44 of the Complaint, defendant denies any legal
2 conclusions stated therein and alleges that the referenced statute speaks for itself.
3 Defendant lacks sufficient information or belief either to admit or deny the
4 remaining allegations of said paragraph and on that basis denies said allegations.
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6 45. Answering paragraph 45 of the Complaint, defendant denies any legal
7 conclusions stated therein and alleges that the referenced statute speaks for itself.
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9 46. Answering paragraph 46 of the Complaint, defendant denies any legal
10 conclusions stated therein and alleges that the referenced statutes speak for
11 themselves
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13 47. Answering paragraph 47 of the Complaint, defendant incorporates its
14 denials, admissions and allegations of paragraphs 1 through 46, above, as if restated
15 in full.
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17 48. Answering paragraph 48 of the Complaint, defendant admits that it has a
18 duty to comply with the statutes referenced therein.
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20 49. Answering paragraph 49 of the Complaint, defendant denies the
21 allegations of said paragraph.
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23 50. Answering paragraph 50 of the Complaint, defendant denies the
24 allegations of said paragraph.
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AFFIRMATIVE DEFENSES

Defendant also asserts the following Affirmative Defenses to the claims stated in the Complaint.

FIRST AFFIRMATIVE DEFENSE

1. The Complaint fails to state facts sufficient to constitute a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

2. The Complaint is moot and should be dismissed pursuant to F.R.C.P. Rule 12(b)(1).

THIRD AFFIRMATIVE DEFENSE

3. The Complaint is barred by the doctrine of waiver.

FOURTH AFFIRMATIVE DEFENSE

4. The Complaint is barred by the doctrine of estoppel.

FIFTH AFFIRMATIVE DEFENSE

5. The Complaint is barred by the doctrine of laches.

SIXTH AFFIRMATIVE DEFENSE

6. Remediation is not readily achievable of any defect plaintiff may allege beyond any alleged defect that defendant has already remediated.

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1 SEVENTH AFFIRMATIVE DEFENSE

2 7. Plaintiff lacks standing to pursue any claims against defendant because
3 plaintiff cannot establish that she has any intention to return to the Subject Property.
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5 EIGHTH AFFIRMATIVE DEFENSE

6 8. Plaintiff lacks standing to pursue any claims against defendant because
7 plaintiff cannot establish she has suffered an injury-in-fact.
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9 NINTH AFFIRMATIVE DEFENSE

10 9. Plaintiff lacks standing because plaintiff cannot establish that she has been
11 deterred from returning to the Subject Property.
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13 TENTH AFFIRMATIVE DEFENSE

14 10. The Subject Property was constructed and occupied pursuant to properly
15 issued permits upon which defendant had the right to rely as establishing the
16 compliance of the Subject Property with the ADA.
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19 ELEVENTH AFFIRMATIVE DEFENSE

20 11. The remediation of the Subject Property requested by plaintiff is not
21 readily achievable.
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23 TWELFTH AFFIRMATIVE DEFENSE

24 12. Plaintiff has failed to take reasonable steps to mitigate her damages,
25 which damages are expressly denied.
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1 THIRTEENTH AFFIRMATIVE DEFENSE

2 13. Defendant has provided reasonable alternative means for plaintiff and
3 other customers to access the Subject Property.
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5 FOURTEENTH AFFIRMATIVE DEFENSE

6 14. Plaintiff did not give Defendant notice of any alleged ADA violation at
7 the Subject Property nor provide an opportunity to correct any alleged ADA
8 violation at the Subject Property before filing suit herein.
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10 FIFTEENTH AFFIRMATIVE DEFENSE

11 15. The Court should decline to exercise over plaintiff's claims for relief
12 under California Civil Code § 51, et seq., or otherwise based on state law, because
13 plaintiff is a high frequency litigant who has stated said claims in order to evade the
14 requirements of California Code of Civil Procedure § 425.55.
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17 SIXTEENTH AFFIRMATIVE DEFENSE

18 16. Plaintiff is barred from relief under California Civil Code § 51, et seq.,
19 because that statute may not be construed to require any construction, alteration or
20 modification of any sort to any existing building, structure or property.
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23 SEVENTEENTH AFFIRMATIVE DEFENSE

24 17. The Complaint fails to describe any alleged defect, or defendant's alleged
25 wrongful conduct or omissions with sufficient particularity for defendant to
26 determine all of the defenses which may exist to the claims alleged. Defendant has
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1 not completed its investigation or discovery with respect to the claims alleged in the
2 Complaint, and therefore reserves the right to assert any additional affirmative
3 defenses that may be warranted by facts learned in investigation and discovery.
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5 WHEREFORE, defendant prays for relief as follows:

- 6 1. That the Court enter judgment in favor of defendant, and against plaintiff,
7
8 on all claims in plaintiff's Complaint;
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10 2. For costs of suit herein; and
11
12 3. For such other relief as the Court deems just and proper.

13 DATED: January 30, 2023

ROBERT D. LIPSCOMB

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16 By: /s/
17 Robert Lipscomb, attorney for
18 Defendant MME LOGIC CORP.
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